

JOHN F. BARG (State Bar No. 60230)
(jfb@bcltlaw.com)
MARC A. ZEPPELLO (State Bar No. 121185)
(maz@bcltlaw.com)
BARG COFFIN LEWIS & TRAPP, LLP
350 California Street, 22nd Floor
San Francisco, California 94104-1435
Telephone: (415) 228-5400
Facsimile: (415) 228-5450

Attorneys for BNSF RAILWAY COMPANY,
as successor to THE ATCHISON, TOPEKA & SANTA FE
RAILWAY COMPANY

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE ATCHISON, TOPEKA & SANTA FE
RAILWAY COMPANY, et al.,

Plaintiffs,

v.

HERCULES INCORPORATED, et al.,

Defendants.

Case No.: CV-F-96-5879 OWW/DLB
(CONSOLIDATED SHAFTER CASES)

**STIPULATION AND ORDER
REGARDING DATE OF
SETTLEMENT CONFERENCES**

The Scheduling Conference Order issued by the Court on January 13, 2011 (Document 466) ("the Order") provides, among other matters, that two further settlement conferences shall be held in this case before Magistrate Judge Beck. The Order schedules the first settlement conference for March 7, 2011, and provides that BNSF Railway Company ("BNSF") and Hercules Incorporated ("Hercules") shall participate in the first conference. The Order schedules the second settlement conference for April 4, 2011, and provides that all parties shall participate in the second conference. The Order further provides that these dates are subject to confirmation of the availability of the parties' representatives and the Magistrate Judge's schedule.

After consulting with their client representatives and Magistrate Judge Beck's chambers, counsel for BNSF and Hercules hereby stipulate, and request that the Court order, that the first settlement conference shall be rescheduled for March 8, 2011, at 10:00 a.m.

Furthermore, after consulting with their client representatives and Magistrate Judge Beck's chambers, counsel for DTSC, BNSF, and Hercules hereby stipulate, and request that the Court order, that the second settlement conference shall be rescheduled for April 7, 2011, at 10:00 a.m.

Respectfully submitted,

DATED: February 16, 2011

KAMALA D. HARRIS,
Attorney General of the State of California
SALLY MAGNANI
Acting Senior Assistant Attorney General

/Sandra Goldberg/
SANDRA GOLDBERG
Deputy Attorney General
Attorneys for Dept. of Toxic Substances Control

DATED: February 16, 2011

BARG COFFIN LEWIS & TRAPP, LLP

/Marc A. Zeppetello/
MARC A. ZEPPELLO
Attorneys for BNSF Railway Company

DATED: February __, 2011

WENDEL, ROSEN, BLACK & DEAN, LLP

STEPHEN McKAE
Attorneys for The Dow Chemical Company

DATED: February 16, 2011

MCKENNA, LONG & ALDRIDGE, LLP

/Christian Volz/
CHRISTIAN VOLZ
Attorneys for Hercules Incorporated

DATED: February 16, 2011

PERLMAN FOX, LLP

/Scott D. Perlman/
SCOTT D. PERLMAN
Attorneys for Marilyn Dietzel, as Successor
Of the Estate of Fred R. Bryant

ORDER

The Court's Scheduling Conference Order filed January 13, 2011 (Document 466) is hereby amended as follows:

1. A First Settlement Conference shall be held before Magistrate Judge Beck on March 8, 2011 at 10:00 a.m. BNSF and Hercules shall participate in the First Settlement Conference.

2. A Second Settlement Conference shall be held before Magistrate Judge Beck on April 7, 2011 at 10:00 a.m. All parties shall participate in the Second Settlement Conference.

IT IS SO ORDERED.

Dated: February 16, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE